

### **3. Groundwater Monitoring at Newly Regulated Facilities**

*The regulations in 40 CFR Part 265, Subpart F require owners and operators of interim status surface impoundments, landfills, and land treatment units to implement groundwater monitoring programs. Section 265.92 requires these facilities to establish initial background concentrations for three groups of indicator parameters. Background concentrations are established based on the results of quarterly groundwater sampling during the first year. For newly regulated interim status facilities or units, when must the background concentrations be established - during the first year of interim status, or the first year the groundwater monitoring system is operating?*

Owners and operators of newly regulated interim status facilities or units must begin establishing background concentrations for the indicator parameters in §§265.92(b)(1)-(3) as soon as the groundwater monitoring system is installed. These facilities then have one year from the date the system is operable to establish these background levels. When interim status is triggered, §270.73(d)(2) requires owners and operators of land disposal facilities to certify compliance with all applicable groundwater monitoring requirements within 12 months. Land disposal facilities that do not certify compliance with these requirements within 12 months automatically lose interim status. The September 27, 1990, Federal Register (55 FR 39411) clarifies § 270.73(d)(2) by stating that facilities newly subject to the Part 265, Subpart F groundwater monitoring requirements must complete site characterization and design and installation of groundwater monitoring systems within 12 months of receiving interim status (also see October 1985 Hotline Monthly Report question on loss of interim status). In other words, at the latest, a newly regulated interim status facility must have characterized the hydrogeology of the site and installed a groundwater monitoring system capable of determining the facility's impact on groundwater quality by the end of the first year of interim status.

Once owners or operators have completed the installation of groundwater monitoring systems, they must then immediately begin establishing background concentrations for the three groups of indicator parameters specified in §§ 265.92(b)(1)-(3). These background concentrations are established during the first

year of operation of the groundwater monitoring system. For newly regulated facilities or units, background concentration levels must be established by the end of the second year of interim status at the latest (sooner if the facility's groundwater monitoring system was installed and operating before the end of the first year of interim status). For example, a facility with a surface impoundment that became subject to RCRA regulation for the first time because of the TCLP final rule had until September 25, 1991 (one year after the effective date of the regulations), to certify that a groundwater monitoring system was installed. The facility then has until September 25, 1992, to establish background concentration levels pursuant to Section 265.92. If this facility finished installing its groundwater monitoring system before September 25, 1991 (e.g., on July 15, 1991), background concentrations for the indicator parameters would have to be established within one year of the date the groundwater monitoring system became operable (by July 15, 1992).

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